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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**JOINT RULE 26(F) REPORT AND
PROPOSED DISCOVERY PLAN**

Complaint Filed: September 17, 2018
Trial Date: December 2, 2019

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1 The parties, Plaintiff Vernon Unsworth (“Mr. Unsworth” or “Plaintiff”) and
2 Defendant Elon Musk (“Mr. Musk” or “Defendant”), by and through their respective
3 counsel, respectfully submit their Joint Rule 26(f) Report and Discovery Plan as
4 contemplated by Federal Rules of Civil Rule Procedure Rule 26(f) and Local Rule
5 26-1.

6
7 **I. ITEMS REQUIRED BY FRCP 26(F)**

8 **A. Meeting of Counsel**

9 On May 21, 2019, the parties’ counsel conferred pursuant to Federal Rule of
10 Civil Procedure 26(f)(2) and have worked cooperatively since then on this Joint Rule
11 26(f) Report and Discovery Plan.

12 **B. Rule 26(a) Initial Disclosures**

13 The parties do not believe there should be any changes made in the timing,
14 form, or requirement for Initial Disclosures under Rule 26(a). The parties will
15 exchange disclosures on June 20, 2019.

16 **C. Discovery Issues**

17 No discovery has been taken to date. The parties have agreed that fact
18 discovery shall not be conducted in phases. The parties will adhere to the scope of
19 discovery set out in Rule 26(b). The parties do not presently anticipate any unusual
20 issues in discovery requiring orders from the Court at this time. The parties’ joint
21 scheduling proposal, including for the completion of discovery, is attached hereto as
22 Exhibit A.

23 **D. Electronically-Stored Information**

24 The parties are not aware of any issues regarding disclosure, discovery, or
25 preservation of electronically stored information requiring orders from the Court at
26 this time. The Parties have agreed to negotiate a protocol regarding the form of
27 production of hard copy documents and electronically stored information (“ESI”).
28

1 The Parties have agreed to negotiate in good faith should they disagree initially as to
2 the appropriate protocol for the production of hard copy documents and/or ESI.

3 **E. Privileged Material**

4 The parties agree to follow the procedures set forth in Federal Rule of Civil
5 Procedure 26(b)(5)(B) with respect to disclosures of privileged materials.

6 **F. Limitations on Discovery**

7 The parties do not anticipate changes to the limitations on discovery imposed
8 by the Federal and Local Rules.

9 **G. Other Discovery Orders**

10 The parties contemplate submitting a proposed protective order pursuant to
11 Rule 26(c) and request that the Court enter the parties' scheduling proposal pursuant
12 to Rule 16(b).

13
14 **II. ITEMS REQUIRED BY LOCAL RULE 26**

15 **A. Complex Designation**

16 The parties do not believe the procedures of the Manual For Complex
17 Litigation should be utilized in this case.

18 **B. Motion Schedule**

19 The parties' joint scheduling proposal, including for the filing of dispositive or
20 partially dispositive motions, is attached hereto as Exhibit A.

21 **C. ADR**

22 The parties agree to "ADR PROCEDURE NO. 2 - the Court's Mediation
23 Panel." The parties believe such session should occur once discovery has been
24 completed.

25 **D. Trial Estimate**

26 The parties preliminarily estimate the trial will take a total of no more than 5
27 Court days.

1 **E. Additional Parties.**

2 The parties do not anticipate any additional parties joining this suit, either by
3 motion of the parties or by third parties seeking to join of their own accord.

4 **F. Expert Witnesses**

5 The parties' joint scheduling proposal, including relating to the disclosure of
6 expert witnesses, is attached hereto as Exhibit A.

1 Dated: June 17, 2019

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EXHIBIT A – PARTIES’ JOINT PROPOSED SCHEDULE¹

Deadline/Event	Date
<u>Fact Discovery and Expert Disclosure</u>	
Fact Discovery Cutoff	September 13, 2019
Expert Witness Disclosure	September 13, 2019
Rebuttal Expert Disclosure	October 14, 2019
<u>Summary Judgment/Adjudication</u>	
Dispositive Motions	September 16, 2019
Oppositions	October 4, 2019
Replies	October 14, 2019
Hearing	October 28, 2019
<u>Trial Preparation and Trial</u>	
Motions in Limine	November 4, 2019
Motion in Limine Oppositions	November 11, 2019
Motion in Limine Replies	November 18, 2019
Pre-Trial Filings (Joint Final Pre-Trial Conference Proposed Order, Exhibit List, Witness List, Memorandum of Contentions of Fact and Law. Jury Instructions)	November 18, 2019
Final Pre-Trial Conference	November 25, 2019
Trial	December 2, 2019

¹ Any other deadlines pursuant to the Federal Rules of Civil Procedure, Local Rules, and the Court’s orders.